

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: SKAPARS, YVONNE V.
SSN: xxx-xx-5580

Chapter 13
Case No. 15-11221-JNF

Debtor(s)

TRUSTEE'S OBJECTION TO CONFIRMATION OF AMENDED PLAN

Now comes Carolyn A. Bankowski, Standing Chapter 13 Trustee ("Trustee"), and respectfully objects to confirmation of the Debtor's Amended Chapter 13 Plan, (the "Plan"), and for reasons says as follows:

1. On March 31, 2015, the above-captioned Debtor (the "Debtor") filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. On April 28, 2015, the Trustee convened and presided at a meeting of creditors as required by 11 U.S.C. §341 wherein the Debtor appeared with Counsel was sworn and examined.
3. In response to the Trustee's Motion to Dismiss filed on March 08, 2016, the Debtor filed the Amended Plan (the 'Plan') with an '*Effective Date*' for the Plan to begin of May 01, 2016 on April 26, 2016. The Plan proposes an increased payment of \$628.00 per month to the Trustee for a term of 60 months with an increased dividend to unsecured creditors of 40.9704% paying the amount of \$20,865.47 through the plan. The Trustee cannot recommend the Plan for confirmation at this time.
4. According to the Liquidation Analysis, there is \$21,767.68 available for creditors in a Chapter 7. The Trustee asserts that there does not appear to be any priority or administrative claims being treated through the Plan. Therefore, the Trustee avers that there are additional \$902.21 that could be devoted to paying unsecured creditors. Therefore, the Debtors' proposed plan cannot be confirmed, as the Plan does not meet the best interest test set forth under 11 U.S.C. §1325(a)(4). The Trustee avers that creditors would receive a greater dividend in a liquidation under Chapter 7 of the Bankruptcy Code. Based on the aforementioned, the Trustee is unable to recommend the plan for confirmation at this time.

Jan M. Feeney